

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DONAL R. EDWARDS,

Plaintiff,

vs.

CHANCE THOMPSON, *et al.*,

Defendants.

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CIV. ACT. NO. 1:23-cv-29-TFM-MU

MEMORANDUM OPINION AND ORDER

On August 9, 2023, the Magistrate Judge entered a Report and Recommendation which recommends this case be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). See Doc. 15. Plaintiff timely filed “objections.” See Doc. 17. The Court reviewed the objections and he indicates that there appears to be a mix up as this case (Case #23-29) “has already been dismissed” on 11-30-22. He then indicates confusion as to what the intent for this suit when citing to an underlying criminal case in Alabama Circuit court and then attaches some filings from his habeas case in this court (1:22-cv-260-JB). A review of the habeas case shows that it is still a pending case. As it appears Edwards did not intend for this case to still exist and there are no specific objections to the Report and Recommendation, the Court finds it appropriate to adopt it and close this case.

Therefore, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. Therefore, this case is **DISMISSED without prejudice**.

A separate judgment will be entered pursuant to Fed. R. Civ. P. 58.

DONE and **ORDERED** this 3rd day of November, 2023.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE